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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,186	02.04 2002	David P. Parks	2577	7122

7590 05 21 2003

A. Burgess Lowe
101 East Maple Street
North Canton, OH 44720

EXAMINER

PHAM, MINH CHAU THI

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 05/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/067,186

Examiner

HAN

Applicant(s)

PARKS ET AL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 283
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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Specification

1. The abstract of the disclosure is objected to because legal phraseology "comprised" is used in the abstract. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over any one of Requejo et al (5,090,975; Abstract: 22, 23 & 24 in Fig. 2; col. 1, lines 15-24; col. 7, lines 40-56), Zhang (6,156,086; Abstract; col. 3, line 35 through col. 4, line 9; col. 8, lines 51-58) and Bosses

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(5.080.702; Fig. 1; col. 3, lines 56-66; col. 4, lines 19-20), in view of Maeoka et al (6.030.484; Abstract; col. 1, lines 5-10, lines 29-35 and line 61 through col. 2, line 15; col. 2, lines 26-29) and Wnenchak et al (6.110.243; col. 4, lines 7-46).

Any one of Requejo et al, Zhang and Bosses discloses a disposable filtration bag for a floor care appliance comprising a closed receptacle for collecting dirt particles having an inlet opening for allowing a dirt laden air stream to enter. Requejo et al further disclose the bag comprising cellulose or synthetic fibers such as polyolefin, and the front panel portion and bottom panel portion sealed together by folding and an adhesive or by mechanical means such as sewing or by thermal bonding. Zhang discloses the filter bag comprising polyolefin and the sidewalls of bag are joined by seams via thermal bonding method. Bosses discloses the filter bag can be made out of wood paper, hemp paper or any other filter paper or fabric well-known in the art. Bosses further discloses a vacuum cleaner comprising a suction nozzle, a motor fan assembly and a disposable filtration bag. Either Requejo et al or Zhang discloses a method of making a disposable filtration bag comprising the steps of providing a sheet of composite material, folding sheet of composite material, sealing together respective edges by a seam, and providing an aperture in a front sidewall of the receptacle wherein a dirt laden air stream enters. Claims 1-26 differ from the disclosure of any one of Requejo et al, Zhang and Bosses in that the filter bag has one layer of expanded polytetrafluoroethylene. Both Maeoka et al and Wnenchak et al disclose an air filter comprising a laminate of non woven fabric made up of polyolefin or polyester fibers or a composite of the non woven fabrics and a PTFE porous film. It would have been obvious to a

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person having ordinary skill in the art at the time the invention was made to provide a layer of PTFE film as taught by either Maeoka et al or Wnenchak et al in the filtration bag of any one of Requejo et al, Zhang and Bosses since PTFE film is well known in the art that filter media made from thin membrane of ePTFE, which is particularly light weight and flexible, air flow through the filter element is very high relative to conventional laminated materials and, accordingly, very low energies are required to dislodge the collected dirt from its surface.

Claims 12 and 15 call for the filter bag being square. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the filter bag being square, rectangular, or any other desired shape since it is well settled that mere change of shape without affecting the function of the part would have been an obvious design modifications.

Eskimo Pie Corp v. Levous et al 3 USPQ 23.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau Pham whose telephone number is (703) 308-1605. The examiner can normally be reached on Monday-Friday (except Wednesday) from 7:15 a.m. to 5:45 p.m.

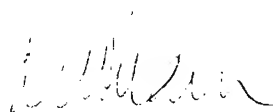
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Duane Smith, can be reached on (703) 308-3792. The fax phone number for this Group is (703) 872-9310 (non-finals) or (703) 872-9311 (after-finals).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.



Minh-Chau Pham

Patent Examiner

May 19, 2003